

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Monroe D. Kiar, Town Attorney / (954) 584-9770

SUBJECT: A resolution of the Town of Davie authorizing the revocation of a certain Declaration of Restrictions placed upon the “Young at Art” Real Property currently owned by the Town and imposed by the Town of Davie’s Grantor and Predecessor in interest.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE REVOCATION OF THE DECLARATION OF RESTRICTIONS TO THE “YOUNG AT ART” PROPERTY, REMOVING THE RESTRICTION THAT THE PROPERTY MUST BE USED FOR LIBRARY AND EDUCATIONAL USES, AND PROVIDING FOR EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie has entered into that one certain Contract for Sale and Purchase with Mr. Sam Jazayri as buyer, which said Contract was entered into by the Town on March 3, 2004, and wherein, the Town is selling to the purchaser the property legally described in said Contract and commonly known as the “Young at Art” property. The title insurance company has listed as a title exception, the Declaration of Restrictions recorded in O.R. Book 27343 at Page 237, which restricts the uses of the subject real property to library and public educational uses. The Declaration of Restrictions also provides that said restriction may be revoked by the Town of Davie by a written document of equal formality and dignity to the Declaration of Restrictions. The purchaser has requested that the Town execute such a document. Attached to the Resolution is a Revocation of Declaration of Restrictions prepared by the purchaser’s attorney and reviewed by the Town Attorney and the Title Insurance Agent. The title company has indicated that this form is adequate for their purposes.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION: The Town Attorney’s Office finds the subject application complete and suitable for transmittal to Town Council for further consideration.

ATTACHMENTS: Resolution, Revocation of Declaration of Restrictions form.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE REVOCATION OF THE DECLARATION OF RESTRICTIONS TO THE "YOUNG AT ART" PROPERTY, REMOVING THE RESTRICTION THAT THE PROPERTY MUST BE USED FOR LIBRARY AND EDUCATIONAL USES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Declaration of Restrictions was previously granted to the Town of Davie by means of that one certain instrument recorded in Official Records Book 27343, at Page 237, of the Public Records of Broward County, Florida concerning certain real property located in the Town of Davie, Florida; and

WHEREAS, the aforesaid Declaration of Restrictions provides that it may be amended or removed only by the Town of Davie, Florida, by written document of equal formality and dignity; and

WHEREAS, the Town of Davie has entered into a Contract for Sale and Purchase of the real property which is the subject matter of the Declaration of Restrictions with Mr. Sam Jazayri, and executed by the Town of Davie on March 3, 2004; and

WHEREAS, the Buyer of said property has requested that the Town execute a written revocation of the aforesaid Declaration of Restrictions and the Town of Davie is willing to revoke and terminate said Declaration pursuant to the request of the purchaser.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town Council of the Town of Davie does hereby approve of the proposed Revocation of Declaration of Restrictions attached hereto as Exhibit "A".

Section 2. That the approval of the Revocation of Declaration of Restrictions is hereby approved by vote of the Town Council in its Chambers at Davie, Florida.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.